

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Terence Spies et al.
Application No. : 10/606,432
Confirmation No. : 6320
Filed : June 25, 2003
For : IDENTITY-BASED-ENCRYPTION SYSTEM WITH
HIDDEN PUBLIC KEY ATTRIBUTES
Group Art Unit : 2132
Examiner : Benjamin E. Lanier

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF
ABANDONMENT UNDER 37 C.F.R. §1.181(a)

Sir:

Applicants have been informed by the Patent Office that the above-identified patent application has been abandoned. As explained more fully below, this is in error. Applicants hereby petition to withdraw the holding of abandonment under 37 C.F.R. §1.181. No fee is due in connection with this petition.

On September 29, 2008, applicants received a Notice of

Abandonment which was mailed on September 25, 2008. The Notice of Abandonment indicated that the above-identified patent application was abandoned for failure to timely pay the required issue and publication fee within the statutory period of three months from the June 2, 2008 mailing date of the Notice of Allowance. However, applicants never received the June 2, 2008 Notice of Allowance.

Applicants submit herewith the following items in support of the present Petition to Withdraw Holding of Abandonment:

I. Copy of redacted Incoming Patent Communications Log for practitioner G. Victor Treyz covering a one-month period including June 2, 2008 to July 2, 2008 (the period of time during which it would reasonably be assumed that any correctly addressed Notice of Allowance mailed on June 2, 2008 would have arrived at the San Francisco offices of practitioner G. Victor Treyz).

II. Copy of file jacket for patent application serial No. 10/606,432.

Statement of practitioner G. Victor Treyz:

I, G. Victor Treyz, attorney of record of the above-identified patent application, state as follows:

1. As evidence by the Declaration and Power of Attorney Form that was filed in the Patent Office on June 25,

2003, I am the attorney of record of the above-identified patent application and the appropriate address of record for this application is the address associated with customer number 36532 (870 Market St., Suite 984, San Francisco, California 94102).

2. All incoming Patent Office communications to my practice are logged in the Incoming Patent Communications Log by Docket Number, date of receipt, Serial No., and a brief document description. This includes communications associated with customer number 36532.

3. All incoming Patent Office communications to my practice are also listed on the appropriate patent application file jacket under the heading "Office Actions."

4. As evidenced by the attached Log copies and file jacket copy for patent application serial No. 10/606,432, I never received the June 2, 2008 Notice of Allowance in the above-identified patent application.

5. Moreover, it is standard procedure in my practice to make a note attached to the file jacket indicating when a Reply is due to any received Office Action, including when an Issue Fee and Publication Fee are due after receiving a Notice of Allowance. No such note for an Issue Fee and Publication Fee due date is or has ever been attached to the file jacket in the above-identified patent application, because no Notice of Allowance has ever been received.

6. I have searched for the June 2, 2008 Notice of Allowance through my office records. My search has revealed that the June 2, 2008 Notice of Allowance was not received at the correspondence address of record (customer number 36532, 870 Market St., Suite 984, San Francisco, California 940102). In particular, a search of my records, including the file jacket of the above-identified patent application and the application contents, indicates that the Notice of Allowance was not received. A copy of the file jacket and the incoming mail log used in my practice where the non-received Notice of Allowance would have been entered are provided in the form of the attached incoming mail log pages and file jacket copy.

7. In accordance with my practice, each file is docketed separately using a notice attached to the outside of the file jacket. Accordingly, no master docket, as such, exists for my practice. As evidence of non-receipt of the June 2, 2008 Notice of Allowance I have provided the attached incoming mail log copies, file jacket copy, and statement regarding the absence of any due date notice attached to the file jacket.

As this evidence makes clear, I have never received a copy of the June 2, 2008 Notice of Allowance. In view of the foregoing, applicants hereby request reconsideration and withdrawal of the holding of abandonment in this patent application.

When this Petition is granted, applicants request that the Notice of Allowance for this patent application be mailed to the correspondence address of record (i.e., customer number 36532) and that a new period for payment of the required Issue Fee and Publication Fee, if applicable, be established based on the new mailing date.

The Commissioner is hereby authorized to charge any fee deficiencies or to credit any overpayments in connection with this submission to Deposit Account No. 502942.

Respectfully submitted,

Date: September 30, 2008

/G. Victor Treyz/
G. Victor Treyz
Reg. No. 36,294
Attorney for Applicants
Customer No. 36532